Secrt. II.27—40.006—20-12-37.

Development (1939) Department.

MS. **SERIES.**

G.O. No. 2526

Dated 16-10-1939

Despatch Abstract

Forests - Establishment - District Forest Office, Mangalore - Peons Retention beyond the date of abolition of the posts - sanctioned

C.F. 22.

In reply, please quote number, date and short title.*

Forest DEPARTMENT.

Received _____ *Registered* _____

From (Name) C.C. Wilson Esq.,I.F.S.,

(Designation) Chief Conservator of Forests,

POST BOX 415, (STATION) Chepauk, Madras.

Telegraphic Address Chief Conservator.

ASSISTANT SECRETARY TO GOVT. DEVELOPMENT DEPT.
25 SEP 1939

To

The Secretary to Government,

Development Department, Fort St.George.

Reference *No.* 7028/38C2, *dated* 13th Septr., 1939.

Sir,

ENCLOSURES _____

SPARE COPIES _____

Subject: Establishment- surplus staff- South Kanara Division - delay in issuing notice of discharge- explained.

Reference: G.O.No.Ms.1125, Development, dated the 1st May 1939.

With reference to paragraph 2 of the G.O. quoted above the explanation of the District Forest Officer, South Kanara was called for for the delay in issuing notice of discharge on the typist and he was also inst ed to report whether any other subordinates were retained in service longer than the 30th November 1938.

The explanation of the District Forest Officer - vide his letter No.R.C.2758/38-C1, dated 28th June 1939 with the endorsement of the Conservator, Ootacamund Circle, Ref.M.No.2123/38, dated 7th July 1939 is submitted

pp 7-11 infra

pp. 6-7 infra

2. It will be observed from the District Forest Officer's report that in addition to the typist, four peons were retained beyond the 30th November 1938 for the periods noted against each:-

pp 7-11 infra

p.t.o.

Name of person.	Designation.	Acknowledgment of notice of discharge.	Date of discharge from service.	Remarks.
1.Sri B.Shiva Rao	Typist	24-10-1938	23-1-1939*	*Of the one month and 24 days retained beyond 30-11-38 the ~~extra~~ was employed for a period of 28 days in a leave vacancy.
2. E. Pinto	Peon	27- 9-1938	27-12-1938	
3. K.Guruva	Peon	27-9-1938	27-12-1938	
4.B.Babu	Peon	30-9-1938	30-12-1938	
5.K.Somnath Shetty	Peon	29-9-1938	29-12-1938	

3. The authority who should have issued the notice of discharge was the District Forest Officer, South Kanara. The Government's orders notifying the reductions in the cadres of services and the discharge of the surplus staff with reference to the rules issued in G.O.No.1224 Public (Services) Department, dated 4th December 1934 were communicated to the Conservator, Ootacamund Circle and the District Forest Officers Mangalore North and South divisions on the 30th August 1938. It will be observed from the explanation submitted by the District Forest Officer and the Conservator's remarks thereon that the notice of discharge contemplated in the Government Notification was not issued immediately under the mistaken impression that the notice was to be issued after it was definitely settled that there was no vacancy in which the typist could be absorbed. Besides, the question as to which ~~of~~ of the typists in the Ootacamund Circle should be selected for discharge with reference to the unit prescribed in Rule 3 of the Reduction in the Cadre of Services Rules and whether the leave earned by the selected person can be granted were all doubtful and were the subject matter of correspondence between

the

the District Forest Officer, the Conservator and the Chief Conservator. The Government orders permitting grant of leave to persons ~~xxkx~~ selected for discharge were received only on the 29th November 1938 - vide paragraph 2 of Government Memorandum No.26544 I/38-1, Development, dated the 26th November 1938. As it was for the first time that the Madras Reductions in the Cadres of Services Rules, 1934, were applied in the Forest Department it took time to understand the full implications of these rules and to take action accordingly.

PF 18-19 of
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4. As regards the delay ranging from 27 to 30 days in the discharge of the four peons retrenched, attention is invited to paragraph 7 of the District Forest Officer's explanation.

P. 10 infra

5. I therefore request that in the circumstances Government may be pleased to condone the delay.

for Chief Conservator of Forests.

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23 SEP 1939

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Copy of letter Ref.M.No.2123/38 dated 20th December 1938 from the Conservator of Forests, Ootadamund Circle to the Chief Conservator of Forests.

Subject: Forest charges - Mangalore North and Mangalore South Divisions - Amalgamation of - disposal of staff.

Ref: Your No.7028/38 dated 16th December 1938.

Your para (1).

Reference is solicited to the last two sentences in para (1) of your Rt.No.709/38 dated 5-10-1938, which read as follows:-

(not put up)

> "There is no provision in the rules referred to above, for the grant of leave to a Government Servant selected for discharge, and the Accountant-General has also given a ruling to this effect in another case. There is, however, no objection to the grant of leave, subject to eligibility, up to the extent of the period of notice of discharge (i.e.) three months in this case."

From this, it would seem that Sri G.Sheshagiri Prabhu was also under consideration for discharge till the issue of your Rt.No.800/38 dated 11-11-1938. The cases of Sri B.Shiva Rao and Sri G.Sheshagiri Prabhu were therefore similar, at least, till the issue of your order dated 11-11-1938. This Office No.M.2123/38 dated 14-11-1938 issued to the District Forest Officer, South Kanara was therefore only in accordance with your Rt.No.709/38 dated 5-10-1938.

(not put up)

(not put up)

Para (2)

Please see your Ref.No.7028/38 dated 21/23-8-38 in reply to my No.M.2123/38 dated 11-8-1938. It is stated therein:-

> "Arrangements will be made to absorb the typist in a permanent vacancy in another circle, if possible. The Conservator is also requested to address the Collector of South Kanara to provide for the typist, if possible, in any of the offices under his control."

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If no other immediate arrangement is possible, the typist may be transferred as a temporary measure to the Forest Engineer's office, Coimbatore, where a clerk with knowledge of Typewriting is required. With a view to making arrangements for his permanent retention, the Conservator is requested to report the age, and other service particulars of typist Sri M.Mangesh Rao."

The above gave no indication that the surplus typist was to be discharged; on the other hand it was definitely stated that arrangements were being made for his permanent retention.

It was only in your Reference No.7028/38-C.2 dated 30-9-1938 (one month after the abolition of the post) that instructions were received to take steps to discharge the surplus typist (Sri B.Shiva Rao). Orders were issued accordingly to the Dt. Forest Officer, South Kanara in this office No.M.2123/38 dated 14-10-1938.

The fact of having granted the leave to the Typist was reported to you in this office No.M.2123/38 dated 31-8-1938 and it has not been objected to so far.

I am referring to the District Forest Officers whether they have any vacancy in which Sri B.Shiva Rao may be made to work till the date of his discharge.

The District Forest Officer, South Kanara has ordered the Typist Sri B.Shiva Rao to rejoin duty in his office on the expiry of his leave, to serve the rest of the period of notice - i.e., from 1-12-1938 to 23-1-1939.

I would point out that para (2) of this office reference No.M.2123/38 dated 14-10-1938, asking for orders whether Sri B.Shiva Rao might be posted to Wynaad in an existing longstanding

vacancy, still remains unanswered.

Para (3). The information called for is furnished below:

(i) The notice of discharge was issued on 21-10-38 and was received by the Typist on 24-10-1938.

(ii) I am instructing the Dt. Forest Officer, S.Kanara to furnish the information direct to you.

(iii) Please see my reply to para (2)above.

Copy of letter Ref.No.M.2123/38 dated 7th July 1939 from the Conservator of Forests, Ootacamund Circle, to the Chief Conservator of Forests, Madras.

Sub: Establishment - surplus staff - consequent on the amalgamation of Mangalore North and South divisions delay in issuing Notice of discharge - explained.

Ref: Your No. 7028/38-C.2 dated 29th May 1939.

In addition to the Typist, there were delays in issueing notice of discharge to the following surplus peons of South Kanara consequent on the amalgamation of old Mangalore North and South divisions.

Name of peon:	Date of acknowledgment of notice.	Date of Discharge
(1) [illegible]	27-9-1938	27-12-1938
(2) K.Guruva	27-9-1938	27-12-1938
(3) K.Babu	30-9-1938	30-12-1938
(4) K.Somanatha Shetty	29-9-1938	29-12-1938.

2. In the case of the Typist, the delay in the issue of the notice of discharge and the circumstances under which he was granted leave for 3 months from 1st September 1938 have been fully explained in this office No.M.2123/38 dated 20-12-1938

3. In the case of the peons, the Government Order abolishing the post did not specify the principle on which the surplus hands were to be discharged. Please see this office No.M.2123/38 dated 17-9-1938 and your order No. 7028/38-C.2, dated 22-9-1938 thereon.

Not put up

4. A copy of the District Forest Officer's explanation called for is submitted. In the circumstances explained, the delay in the issue of notices could not be avoided as the order of amalgamation of the two divisions was received by the District Forest Officer only a day prior to the date of amalgamation.

pp -7-11 infra

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ie 1-9-38

Copy of R.C.No.2758/38 C.1 dated 28th June 1939 from the District Forest Officer, South Kanara to the Chief Conservator of Forests, Madras.

Subject: Establishment - Sri B.Shiva Rao, late Typist District Forest Office, Mangalore South - retention beyond the date of abolition of the post - explained.

Ref: Your Ref.No.M.2123/38 dated 6-6-1939.

The circumstances under which the notice of discharge was not served on the Typist Sri B.Shiva Rao until the 24th October 1938 were explained in this office No.2758/1938 C.1 dated 21st December 1939. This explanation is still valid and is reproduced below:

(Not received)

2. While dealing with the disposal of the surplus staff, the Conservator of Forests, Ootacamund Circle in his R.C.No.2123/38 M dated 11th August 1938 proposed to the Chief Conservator of Forests to transfer Sri M.Mangesh Rao, Typist of the old Mangalore North Division to a division where a vacancy of Typist existed. Sri B. Shiva Rao was to be retained as Typist of the combined Division.

Not received

In his further reference No.2128/38 dated 20th August 1938 the Conservator of Forests ordered that Sri B.Shiva Rao was transferred to the Nilgiris as Typist in a leave vacancy. When this order was communicated to the Typist, he applied for leave on average pay for 3 months on account of certain domestic troubles. His petition was forwarded to the Conservator of Forests on 25th August 1938 soliciting instructions whether the leave applied for may be granted. In Conservator's telegram dated 31st August post copy communicated in Ref.No. M.2123/38 dated 31st August 1938 it was ordered that Typist B.Shiva Rao may be granted leave. Accordingly leave for 3 months was granted to the Typist from 1st September 1938 to 30th November 1938.

3. In Conservator's letter Ref.M.2123/38 dated 14th October 1938 to the Chief Conservator of Forests, Madras and copy sent to me, I was informed that the vacancy in the Nilgiris to which B.Shiva Rao stood transferred ceased from 9th October 1938 and I was instructed to take steps for the discharge of the surplus Typist in accordance with the Chief Conservator's instructions contained in Chief Conservator's Reference No. 7028/38 C 2 dated 30-9-1938. This reference was received by me on 18th October 1938 and immediately the notice of discharge was issued in this office Ref.No.2758/38 C. 1 dated 21st October 1938, which was acknowledged by the Typist on 24th October 1938 forenoon. A copy of the notice was communicated to the Conservator of Forests for information. The leave for 3 months granted to the Typist expired on 30th November 1938 and he rejoined duty in this office on 1st December 1938 as intimated in this office Ref.C.No.2758/38 C 1 dated 3rd December 1938.

4. In Conservator's Ref.No.M 2123/38 dated 20th December 1938, the Conservator of Forests ordered in a communication addressed to all the District Forest Officers in the Circle and the Provincial Silviculturist, Ootacamund to report by wire whether there was any vacancy of Typist's post in which Sri.

Sri B.Shiva Rao could be employed till the date of his discharge. Sri M.Mangesh Rao, the Typist of this office who wanted leave and who had only 23 days' leave on average pay at his credit was thereupon granted leave from 27th December 1938 to 23rd January 1939 with permission to avail of X'mas holidays from 24th to 26th December 1938. In this vacancy Sri B.Shiva Rao, the Typist to be discharged was employed. In these circumstances Sri. B.Shiva Rao was retained for 26 days beyond 30th November 1938.

5. With reference to para 4 of Chief Conservator's Ref.No.7028/38 C 2 dated 29th May 1939 apart from Sri B.Shiva Rao, four peons to be discharged were retained in service longer than 30th November 1938 for a period ranging from 26 to 29 days under the following circumstances.

Consequent on the amalgamation, 5 peons in surplus were to be discharged. Of these, one peon by name K.Mahabala Rai was absorbed as a Forest Guard in G.O.No.Mis.3089 Development dated 14th December 1938 and the remaining four had to be dealt with. In his letter Ref.C.No.2123/38 M dated 11th August 1938 addressed to the Chief Conservator of Forests and copy sent to me the Conservator inter alia reported that he had requested the Collector of South Kanara to take the surplus peons in the Revenue Department and that a further report would be made to the Chief Conservator of Forests on hearing from the Collector. In Conservator's Ref.No.2128/38 M dated 20th August 1938 orders were issued in regard to the disposal of the surplus staff to be put into force on the date of amalgamation but no mention was made as regards the transfer or discharge of the surplus peons. The Chief Conservator of Forests in his Ref.No.7028/38 C 2 dated 21st/23rd August 1938 paras 2 to 5 was communicated to this office also issued orders regarding the disposal of the surplus staff. On Peons the following order was given. "4 Peons. It is not considered desirable to transfer the 2 peons of the Madras Forest College

elsewnere. The Collector's reply to the Conservator's letter on the subject may be awaited. Should it not be possible to provide for the peons in the Revenue Department of the South Kanara District, it may be difficult to post them elsewhere from the point of view of language. The Conservator is requeste to report again as soon as the Collector's reply is received".

This order was received by me on 31st August 1938 on the eve of amalgamation and I was given to understand that the disposal of the peons was still under consideration.

6. In his L.Dis.No.2976/38 15th September 1938 the Conservator of Forests ordered that pending settlement of the question of transferring the surplus peons elsewhere they should all be given notice. This order was received by me on 17th September 1938. Immediately action was taken and the notices of discharge were issued on 23-9-1938 and served on the Peons as shown below:-

		Date of Acknowledgment of notice.	Date of Discharge.
1.	L.Pinto	27-9-1938	27-12-1938
2.	K.Guruva	27-9-1938	27-12-1938
3.	B.Babu	30-9-1938	30-12-1938
4.	K.Somanath Shetty	29-9-1938	29-12-1938

7. I solicit a reference to the notification published with G.O.No.Mis.2108 Dev. Department dated 27-8-1938. According to this notification The Madras Reduction in the Cadre of Services Rules 1934 were made applicable only to the posts in the Madras Forest Subordinate service and Madras Ministerial service and were not extended to apply to the peons belonging to the Madras Inferior service. It was therefore thought in view of the correspondence that had already taken place that in the case of the peons would be dealt with in a different way by providing them elsewhere in a Government Department.

When the Conservator ordered that they should be served with a notice of discharge under the Madras Reduction in the cadre of Services Rules the orders were simply carried out.

8. I might also add, that the Government order for the abolition of the posts did not specify a definite date on which the order was to be brought into operation, as contemplated in Note 2 under article 436 of the Civil Service Regulations. This note says that the immediate head of the office or the department will be held responsible that there is no unnecessary delay in giving notice of discharge. The Government order was received by me on 2nd September 1938 and at least a week would have been necessary for the service of notice. But in the circumstances explained, there was no cause on my part for taking immediate action neither can it be said that there was unnecessary delay at any stage.

€ (U 210 - Dev) 27 & 32 (D)

OAV
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Dev. Dept.

C. No. 27978-1)39

Subject forest - Establishment.
- Surplus staff - South Kanara
- Delay in issue of notice of discharge

PP 1-3 cf

Letter from the CCF No. 7028/38 D. 13.9.39

To AS.

PP 1-3 cf

The letter from the CCF in the current file is the reply to para. 2 of

PP. 7 + 8 cf 3p 1125 (A) 1-5-39

Govt. No. 1125 Dev. D. 1-5-39 wherein the CCF was requested to submit the explanations of the officers responsible for the delay in issuing the notice of discharge. The reasons for the delay have been

P. 2 cf

explained by the CCF in para. 3 of his letter. In the circumstances explained the delay may be condoned

~~Case for acceptance with respect to~~
~~the issue of notice of discharge to~~
~~four peons. Proof~~
~~G.O. 1125 Dev. dated 1.5.39.~~

~~Ker~~
~~2-10-39~~

A draft order sanctioning the retention of the four peons for about a month beyond the date on which they ought to have been discharged is submitted for approval.

Fin. may see the case for acceptance with respect to their note at papers 5 & 6 of G.O. 1125 Dev. dated 1-5-39.

Ker
3.10.39

KK
4.10.39

Finance

Dev. (W02) 9/8-1/39-1
4.10.39

SW
3.10.39

PS

Finance (Ex II)

4 OCT 1939
SECRETARY TO GOVERNMENT
FINANCE DEPT.

[Please see Fin. note on pp. 5-6 of G.O. 1125 Dev. dated 1-5-39]

The Chief Conservator of Forests has stated that there was delay in the issue of notice of discharge in the case of four peons, whose posts were abolished from 1-5-1939, and has submitted the explanation of the Dt. Forest Officer, South Kanara, with the Conservator's remarks thereon, for the delay in issuing the notice to the typist referred to in G.O. 1125 Dev. dated 1-5-1939 and to.

para. 2 on pp. 1-2 c.f.

A 0963 (12)

pp. 7-11 c.f.

pp. 4-7 c.f.

to the peons.

2. The notice of discharge was issued in these cases as follows:-

	Date of issue of notice.	Date of acknowledgment of the notice.
(1)	(2)	(3)
Typist	21-10-38	24-10-38
4 peons	23- 9-38	27- 9-38 in the case of 2 peons 29- 9-38 and 30- 9-38 respectively in the case of the remaining 2 peons.

The order amalgamating the old Mangalore North and South Divisions was received by the District Forest Officer, South Kanara, on 31-8-1938. It will be seen from para 3 of the letter of the C.C. of Forests on page 2 c.f. and paras 5 & 6 of the District Forest Officer's letter on pages 9-10 c.f. that the notice was not immediately issued in these cases under the mistake impression that the notice as was to be issued after it was definitely settled that the individuals concerned could not be absorbed in the department. The question of providing the typist and peons with other posts was under correspondence and the Conservator, Ootacamund Circle, issued specific instructions to the District Forest Officer only on 14-10-38 for the discharge of the typist and on 15-9-38 for the issue of notice of discharge to the peons. There was no avoidable delay on the part of the District Forest Officer in issuing the notices of discharge subsequent to the receipt by him of the specific instructions referred to above. In the circumstances of the case, this department may agree with Development that the delay may be condoned.

3. The draft order sanctioning the retention of the four posts of peons till the dates specified therein

may be accepted and the case returned to Development.

9.10.39

9.10.39

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11.10.39

Dev

Through Accts.

2 CR 9.X.39

Dev. Dept

Imp. 40963 G 11. 1

11.10.39

To AS

The draft order may now issue.

13 OCT 1939

DEVELOPMENT DEPARTMENT

Ler
13.10.39

Issue
RK
16.10.39

Sgd
11.10.39

30.5.3

29/161x

C.F. 16.

DRAFT FOR APPROVAL.

Dev. Dept.

	Date.	Initials.
When received for fair copying		
When copied		
When examined		
When signed		
When despatched.		

SUBJECT:— Forests — Establishment: Dist. Forest Office Mangalore — Peons — Retention beyond the date of abolition of the posts — Sanctioned.

READ AGAIN G.O. 1125 Dev, dated 1-5-1935 (A)

" " _____ " _____ 19____.

READ *ALSO*:—

No. 2778 From the C.F., No. 7028/38 C2 dated 13.9.1938.

" _____ " _____ " _____ " _____ 19____.

" _____ " _____ " _____ " _____ 19____.

Order ~~Resolution~~ Ms. No. 9526, dated 16.10.1938.

P 2 CF

In the circumstances reported by the C.F., Sanction is accorded for the retention, till the dates noted against each, of the four posts of peons ordered to be abolished with effect from 1.9.1938 vide G.O. 2108 Dev Dt. 27.8.38

(D)

1. Post held by L. Pinto - 27.12.38
2. " " K. Gurusa. 27.12.38
3. " " B. Babu. 30.12.38
4. " " K. Somnath Shetty 29.12.38

To the C.F. ✓
" " A.G. Thro. ✓
" " Fin. Dept. ✓

Ker 3.10.38 SK 3/10/38

KL 4.10.38